

**Minutes of Special and Regular Meeting of November 14, 2017
One Twin Pines Lane, Belmont, CA and
Intercontinental at Doral Miami, 2505 NW 87th Ave, Doral, FL (Councilmember
Lieberman)**

CLOSED SESSION

- A. Conference With Legal Counsel (Govt Code Section 54956.9(d)(1))
One Case: Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248;
(Marburger)

Attended by: Councilmembers Hurt, Kim, Stone, Lieberman (via phone). Councilmember Reed was absent.

ADJOURNMENT at this time, being 6:55 P.M.

Terri Cook
City Clerk

REGULAR MEETING

CALL TO ORDER 7:05 P.M.

ROLL CALL

Councilmembers Present: Hurt, Kim, Lieberman (via Skype), Stone

Councilmembers Absent: Reed

PLEDGE OF ALLEGIANCE

Led by Girl Scout Troop 30888 members Megan Bhatt, Emma O'Connor, Sophie Oestreich and Christina Paulazzo

REPORT FROM CLOSED SESSION

No report.

SPECIAL PRESENTATIONS

Proclamation Honoring Girl Scout Silver Award -- Waterdog Lake Wildflower Catalog

Girl Scout Troop 30888 members Megan Bhatt, Emma O'Connor, Sophie Oestreich and Christina Paulazzo spoke regarding how they approached the project. They pointed out that the Silver award is highest level a Cadet can earn.

Parks Manager Ourtiague stated that copies of the catalog have been placed in kiosks at all trailheads in the Waterdog Lake area.

Presentation to Belmont resident fourth grader Kimmy Cheung, winner of HIP Housing's annual calendar

Virginia Taylor, HIP (Human Investment Program), explained the mission of HIP Housing. She described the annual calendar project and noted that Belmont fourth grader Kimmy Cheung's art was selected for the calendar.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Kathleen Beasley, Belmont Library Manager, provided an update on upcoming programs at the Library.

COUNCILMEMBER ANNOUNCEMENTS

Mayor Stone announced an upcoming Wildfire Protection Workshop at the Belmont Library, as well as the annual Holiday Craft Faire. He invited the public to attend the dedication of the Veterans Memorial. He outlined the achievements of various sports teams at Carlmont High School, and described how varsity football Coach Jake Messina has transformed the team in recent years.

COMMENTS ON CONSENT CALENDAR

Mayor Stone noted that staff met individually with Councilmembers to review details regarding the proposed City Hall/Police Facilities project (item on Consent).

City Attorney Rennie recommended removing Consent Item 7-B (General Plan Adoption, Climate Action Plan and Phase 1 Zoning to be considered concurrent with Public Hearing Item 8-A (Belmont Village Specific Plan and Zoning). Council concurred.

ITEMS APPROVED ON CONSENT CALENDAR

Motion to Receive Monthly Financial Reports

Resolution 2017-077 authorizing the City Manager to execute an agreement with National Corrosion for the design of the Sewer Force Main Cathodic Protection Project for an amount not to exceed \$88,370 with a ten percent contingency

Resolution 2017-078 accepting work and approving the Notice of Substantial Completion to SF Underground for the Alexander Park Restroom Project, City Contract Number 2015-533 for a final contract cost of \$202,375

Resolution 2017-079 accepting work and approving the Notice of Substantial Completion to Star Construction, Inc. for the construction of Davey Glen Park, City Contract Number 2016-547 for a final contract cost of \$1,268,989.55

Resolution 2017-080 approving plans and specifications, authorizing advertisement for sealed bids, authorizing the City Manager to execute a construction contract with the lowest responsible bidder for an amount not to exceed \$382,206 and approving a ten percent (10%) construction contingency for the City Hall/Police Facility Project, City Contract Number 2017-554

Resolution 2017-081 authorizing the City Manager to execute an Agreement with Inside Source in an amount not to exceed \$108,670.87 for the City Hall Customer Service Remodel Project furniture

Resolution 2017-082 authorizing a supplemental appropriation in the amount of \$196,322 for the City Hall/Police Facility Project

ACTION: On a motion by Councilmember Hurt, seconded by Councilmember Kim, the Consent Agenda was unanimously approved, as amended (4-0, Reed absent, Item B removed to be considered under Public Hearings as previously noted)

AGENDA AMENDMENTS

Mayor Stone suggested taking up the matter of the minimum wage ordinance prior to the Public Hearings. Council concurred.

OTHER BUSINESS

Introduction of Minimum Wage Ordinance (Item taken out of order)

City Manager Scoles reviewed the City Council's prior discussion wherein Council selected an option to reach \$15 by 2020 to match with City of San Mateo. He noted that the first increase is delayed to July of 2018, and that the City of San Jose is willing to manage notification and enforcement.

Mayor Stone described the outreach sessions with the public and the business industry that have taken place.

The following spoke in support of the accelerated schedule increasing the minimum wage:

Melinda Dart, American Federation of Teachers

Greg Brown, Machinists and Aerospace Workers

Pamela DiGiovanni

William White, United Way Bay Area

Julie Lind Rupp, San Mateo County Labor Council

Michael Floyd, AFSCME

Shaunda Scruggs, Belmont resident

Rich Hedges, San Mateo resident

Diane Bailey, Belmont resident

Sarah Selman, Belmont resident

Rick Bonilla, San Mateo resident

Loring Di Martini, Belmont resident, requested clarification regarding number of employees in a business that would be affected by the new minimum. He pointed out that the State minimum wage was the minimum standard, and that cities are now setting their own minimums.

Councilmember Kim noted that he had mixed feelings regarding this matter. He spoke regarding employees who need to live far away from where they work. He is sensitive to the potential impact on businesses. He expressed support for the incremental increase, and pointed out he is willing to pay more for products as a result of the higher wages.

Councilmember Hurt noted the decline in the ability for people to survive on the Peninsula. She stated that the needs of people and the community are important. She pointed out that surrounding cities are accelerating the wage increase. She supports a regional approach to this issue. She also expressed concerns regarding the effect on small businesses.

Councilmember Lieberman expressed support for accelerating the minimum wage beyond the

State schedule. He noted his continued desire for information regarding how many heads of households are minimum wage earners, and how many minimum wage jobs there are in Belmont. He stated he could support the acceleration with the condition that it not apply to small businesses fewer than 25 employees, and to revisit the matter in 2019 or 2020.

Mayor Stone pointed out that the City of Belmont is not an island. He expressed concern regarding exempting small businesses in that those businesses would reduce staff to meet the maximum employees. He recognizes the challenge for restaurants, and the need to monitor to ensure there are no negative consequences. He suggested not having a sunset clause, and that he could support a review in 2019. He pointed out that the minimum wage scale never included an escalator clause, and relative buying power has fallen since the 1970's. He spoke regarding the income inequality in the United States. He noted that other cities in San Mateo County are likely to accelerate, and that Belmont restaurants likely able to survive a higher minimum wage.

Councilmember Kim expressed support for reaching \$15 by 2020, and revisiting this matter in 2019 to assess.

ACTION: On a motion by Mayor Stone, seconded by Councilmember Hurt, and approved by a vote of 3-1 (Lieberman no, Reed absent) to introduce an ordinance to add Chapter 32 "Minimum Wage" to the Belmont City Code which increases the minimum wage for employees working within Belmont to fifteen dollars (\$15) per hour by 2020, said motion to include a review in 2019.

CONSENSUS: By consensus, the City Council concurred to reconsider the vote on this matter at Councilmember Lieberman's request.

City Attorney Rennie read the title of the ordinance.

ACTION: on a vote of 3-1 (Lieberman abstain, Reed absent) Council introduced the ordinance as noted in the first action, above.

PUBLIC HEARINGS

Belmont Village Specific Plan/Belmont Village Zoning

Community Development Director de Melo reviewed the action taken by Council at the previous meeting relative to the General Plan adoption.

Sophie Martin, Dyett & Bhatia Consultants, reviewed planning process that has been undertaken to date regarding this matter. She described components of Belmont Village Specific Plan and reviewed densities and intensities of proposed land uses.

Mark Spencer, W-Trans transportation consultant, provided an overview regarding mobility, and reviewed the circulation plan. He described how various intersections could be made safer for pedestrians and bicyclists.

Jerry Keyser, Keyser/Marsten Consultants, described the economic potential of extending Fifth

Avenue to Ralston Avenue, and to continue north. He noted that doing so could provide a destination core.

Ms. Martin explained that the long-range plan does not dictate any specific design, as this will be developed over time. She clarified that the plan provides flexibility for implementation. She spoke regarding the creation of placemaking, and provided examples of streetscape. She described design standards and guidelines, and provided an overview of potential new infrastructure and public services. She pointed out the plan provides for environmental sustainability. She described the strategies for implementation of the plan. She also described the components of the proposed village zoning.

Ms. Martin reviewed the Planning Commission's recommendation. It was pointed out that staff recommends including minor modification to address existing nonconforming uses.

In response to Mayor Stone's inquiry regarding the former ice rink site, City Attorney Rennie explained that spot zoning this parcel could be viewed as a taking of property if it is zoned only to allow an ice rink.

Mayor Stone opened the Public Hearing.

Harold Kruger, property owner in the Belmont Village, expressed an interest in whatever the future plan might be for Flasher Lane. He commented regarding a formula for determining how current properties are underutilized.

Samuel Laane expressed support for more recreation opportunities, and is overall in favor of the plan.

Caroline Emmett, Belmont resident, spoke regarding loss of the ice rink, and suggested including provisions for an ice rink.

Natalie Mattei, on behalf of Safeway, expressed support for the Belmont Village Specific Plan with conditions. She expressed a desire to protect Safeway's ability to operate, maintain and remodel the existing building and parking lot if the store downsizes in future. She expressed support for the minor edits as proposed regarding nonconforming uses.

Debbie Kartigner, on behalf of Safeway, spoke regarding the request that minor changes to the building not trigger a full review to comply with the new plan.

Liz Handley, Belmont resident, spoke regarding loss of the ice rink, and expressed support for protecting recreation zoning in the station core.

Alan Sarver, Belmont resident, commended the process for this project, and expressed support for discretion and flexibility. He pointed out the need to address housing, including affordable housing. He also suggested planning for future transportation needs, including the implementation

of autonomous vehicles.

Diane Bailey, Belmont resident, expressed support for the plan, and supports alternatives to driving. She expressed support for a renewable energy policy for commercial. She suggested developing a policy for achieving zero net energy.

Kevin Burke, Belmont resident, expressed support for an increase in housing. He suggested allowing lower parking minimums for housing. He pointed out that electrification of Caltrain will encourage more train use. He suggested defining community benefits more specifically.

Brian DeMasio expressed support for the plan. He questioned the qualification for the pilot program for future use of some buildings.

Mary Morrissey Parden, Belmont Chamber of Commerce, expressed support for the plan. She commented regarding the need for economic development and the need to attract businesses.

Community Development Director de Melo stated that staff will work with existing property and business owners regarding the implementation of the plan.

RECESS: 10:00 P.M.
RECONVENE: 10:10 P.M.

Councilmember Lieberman expressed support for the efforts regarding this project. He also supports a future discussion regarding economic development and carbon footprint.

Councilmember Kim also supports a future discussion regarding carbon footprint, and supports a better definition of community benefits. He pointed out that implementation of the plan will take time.

Councilmember Hurt noted that the plan provides an opportunity for outdoor spaces, new revenue sources, and a vibrant downtown. She would like a future discussion on innovation, art, and culture.

Mayor Stone suggested a future discussion on a potential carbon-free policy. He commended the process, and spoke regarding the loss of ice rink. He stated he does not support specific zoning to force an ice rink on the former site. He expressed the need to maintain flexibility regarding refining community benefit, and supports a future discussion regarding economic development.

ACTION: Councilmember Kim made a motion to make all the findings under CEQA (California Environmental Quality Act), and to adopt all of the resolutions as presented, and to include language in the resolution approving the Belmont Village Plan to direct that any future extension of Fifth Avenue not reduce vehicle capacity or worsen traffic on Ralston Avenue.

Discussion ensued regarding the Fifth Avenue extension issue.

MEETING EXTENSION: at this time, being 10:30 P.M., on a motion by Councilmember Hurt, seconded by Councilmember Kim, the meeting was extended by 30 minutes.

Community Development Director de Melo spoke regarding the proposed reduction of driveway cuts on Ralston Avenue between El Camino Real and Sixth Avenue.

Traffic consultant Spencer pointed out that the goal is to minimize the disruption of vehicle traffic to the greatest extent possible.

Discussion ensued. Council concurred to adopt the resolution approving the Belmont Village Specific Plan with the following additional language: Any extension of Fifth across Ralston must not worsen vehicular traffic congestion on Ralston Avenue between Sixth Avenue and El Camino Real above de minimus levels.

ACTION: On a motion by Councilmember Kim, seconded by Councilmember Hurt, the following items were unanimously approved (4-0, Reed absent).

Resolution 2017-083 Making All Findings Required Under the California Environmental Quality Act (CEQA), Including a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program, for The Belmont 2035 General Plan (GP) Update, Phase 1/Interim Zoning, Belmont Village Specific Plan (BVSP) & Belmont Village Zoning (BVZ), and Climate Action Plan in Accordance With CEQA

Resolution 2017-084 Adopting the Belmont Village Specific Plan (BVSP), as amended

Resolution 2017-085 Adopting the Belmont 2035 General Plan and the Climate Action Plan

Introduction of an Ordinance Amending the Belmont Zoning Ordinance (Ordinance 360) and Zoning map to implement the 2035 General Plan and conform various Existing regulations to the 2035 General plan

Introduction of an Ordinance Amending the Belmont Zoning Ordinance (Ordinance 360) and Zoning map to implement the Belmont Village Specific Plan (BVSP)

PUBLIC HEARINGS (continued)

Commercial and Personal Cannabis Regulations

City Attorney Rennie reviewed the Planning Commission's discussion and recommendation.

Councilmember Hurt requested inclusion of language that cannabis is a Schedule I drug under Federal guidelines.

Discussion ensued. City Attorney Rennie clarified that the ordinance would need to be reintroduced and adopted at the next meeting if amended.

Mayor Stone Opened the Public Hearing. No one came forward to speak. Mayor Stone closed the Public Hearing.

Councilmember Kim stated that he cannot support with provision for delivery.

City Attorney Rennie pointed out that an ordinance requires three votes to introduce or adopt, so therefore no action can be taken at this meeting.

Introduction of the revised ordinance was continued to the next meeting.

OTHER BUSINESS

Inclusionary Zoning - 1st Reading

Community Development Director de Melo noted that the proposed inclusionary zone was previously adopted by the City Council. He outlined the subsequent newly adopted State regulations regarding multi-family residential rental projects, which need to be incorporated into a new local ordinance.

ACTION: On a motion by Councilmember Kim, seconded by Councilmember Hurt, and unanimously approved (3-0, Reed/Lieberman absent) to introduce an ordinance regarding Affordable Housing Requirements for Multi-Family Residential Rental Projects

City Attorney Rennie read the title of the ordinance.

MEETING EXTENSION: at this time, being 11:00 P.M., on a motion by Councilmember Kim, seconded by Councilmember Hurt, the meeting was extended by 30 minutes.

Consideration as to Whether the Positions of City Clerk and City Treasurer Should be Appointed or Elected

City Manager Scoles explained that the City Council could decide whether or not to place the matter of elected versus appointed City Clerk and City Treasurer on the ballot for the voters to determine. He noted that if the Council wished to do so, it would need to determine which election cycle in 2018, either June or November.

Council concurred to place the matter on ballot.

Councilmember Hurt stated she could support either cycle. Councilmember Kim stated that he favors November. Mayor Stone stated he prefers June.

Council concurred to reschedule this matter for further consideration.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Due to the lateness of the hour, there was no report.

Verbal report from City Manager

Due to the lateness of the hour, there was no report.

Appoint Subcommittee Member(s) for Consideration of Hill Street/Middle Road Affordable Housing RFP Responses

Council concurred to appoint Mayor Stone and Councilmember Hurt to the Hill Street/Middle Road Affordable Housing RFP (Request for Proposal) Subcommittee

ADJOURNMENT at this time, being 11:30 P.M.

Terri Cook
City Clerk

Meeting televised and webstreamed.